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**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

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In the Matter of )  
 )  
Creation of a Low )  
Power Radio Service )  
RM-9208 )  
RM-9242 )

MM Docket No. 99-25

To: The Commission

Comments of the Alliance for Community Media

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## **Comments of the Alliance for Community Media**

### **I. SUMMARY**

The Alliance for Community Media, (Alliance), supports the Commission's effort to increase diversity in programming sources through this proposal for Low Power FM (LPFM) Radio Service. We believe that this is both a critical juncture and opportunity for the many community voices that currently have no access to this broadcast medium.

The Alliance respectfully requests that the Commission give license preference to existing local organizations or agencies which provide access to media such as public, educational, and government cable access providers. Further, we request that license preference be granted only in cities where PEG cable access is wholly owned or operated by a nonprofit organization, school, library, government or governmental agency. If PEG access is not wholly owned or operated by a nonprofit organization, school, library, government or governmental agency, we request that other community based organizations be given priority for licenses.

If LPFM goes through without these preferences, it is likely that the LPFM service that emerges will merely serve a few areas with profitable demographics, rather than the broader civic culture. The Commission should seize this opportunity to ensure that a diverse range of voices have access to these airwaves.

II. IN CREATING A LOW POWER RADIO SERVICE, THE COMMISSION SHOULD ADOPT RULES WHICH WILL ENCOURAGE LOCALISM, NONCOMMERCIALISM AND ACCESS TO THE AIRWAVES BY A WIDE VARIETY OF INDIVIDUALS AND INSTITUTIONS.

The Alliance urges the Commission to adopt the following recommendations in its creation of a low power radio service.

A. PREFERENCE SHOULD BE GIVEN TO LICENSING NONCOMMERCIAL AND EDUCATIONAL STATIONS.

The Alliance supports licensing noncommercial stations in the LP 1000, LP 100 and LP 1-10 microradio categories. If the Commission licenses commercial stations, they should be given a lower priority among competing applicants.

We support reserving channels 201-220 for educational institutions for all three categories of noncommercial LPFM as the Commission proposes. Such licensing should be in keeping with Section 73.503(a) of the Commission's rules which provides that a noncommercial educational FM broadcast station will be licensed only to a nonprofit educational organization and upon showing that the station will be used for the broadcast of noncommercial educational programming.

B. REVENUE FOR NONCOMMERCIAL BROADCAST SHOULD BE PROVIDED IN PART BY PROCEEDS FROM SPECTRUM AUCTION.

The Commission has asked for comment on whether LPFM stations would need to generate revenue from advertising or underwriting, and whether the population in these service

areas could sustain an advertising base. We agree that there would be a need for funding and we suggest that the noncommercial LPFM licensees be supported for capital and operating expenses through part of the funds raised by the spectrum auctions. We also suggest that noncommercial station licensees may be considered eligible to apply for and receive capital and operating funds through other federal programs such as the National Telecommunication and Information Administration's Public Telecommunications Facilities Program and Minorities Telecommunication Development Fund.

**C. LPFM LICENSEES SHOULD BE REQUIRED TO ABIDE BY FULL-POWER BROADCAST RULES WHERE APPLICABLE.**

We agree with the Commission's suggestion to require the LP 1000 class of stations to follow most or all of the rules applicable to full-power broadcasters. We also agree with the Commission's proposal not to apply most radio station service rules to new LP 100 and LP 1-10 microradio stations in view of the smaller size of the operations and secondary status of these services. We also agree that LPFM licensees not be allowed to operate as translators of full power stations.

**D. USADR IBOC PROPOSAL FOR DIGITAL RADIO SERVICE IS SEVERELY FLAWED.**

LPFM must be included in the digital future of radio. As a result of digital technology, bandwidth can be used more efficiently to allow the establishment of many more new stations than previously possible. The spectrum scarcity, which led the FCC to grant radio licenses to only a small number of companies, should soon be a thing of the past. The current USADR IBOC proposal for a digital radio service is severely flawed; the proposal should not go

forward until it is reengineered to create room for at least thirty new local microbroadcasters, even in the most congested urban markets.

E. THE COMMISSION SHOULD PUBLISH STUDIES ON THE LP 1-10 CLASS OF LICENSES.

The Alliance fully supports the LP 1-10 microradio class of licenses. We urge the FCC to publish studies of these licenses analogous to the spreadsheets on LP 1000 and LP 100. The Alliance notes that in many communities, there will be no LP 100s or LP 1000s allocable. LP 1-10s are particularly important in this context. They should be secondary with respect to establishment of LP 100s, but they should not be eliminated for other types of stations seeking to make changes.

F. DISPUTES NEED TO BE SETTLED AT THE LOCAL LEVEL.

Problems or disputes, whether technical or otherwise, should be first referred to the local or regional voluntary micropower association for technical assistance or voluntary mediation. The Commission should be the forum of last resort. We are suggesting this based on the model utilized by ARRL and HAM broadcasters.

G. WE AGREE WITH THE COMMISSION'S PROPOSALS ON CHARACTER QUALIFICATIONS, UNAUTHORIZED BROADCASTERS, AUXILIARY FREQUENCIES AND THE EASING OF ADJACENT RESTRICTIONS. WE URGE NOT LIMITING SPECTRUM TO BROADCAST SERVICES ONLY.

The Alliance supports the Commission's proposals on Character Qualifications and Unauthorized Broadcasters and urges the Commission to allow broadcasters who ceased operations after being notified of an enforcement action to be eligible for LPFM licenses. We agree with the proposal to apply the same standards for character qualification requirements to all LPFM broadcasters as the Commission does to full power broadcasters.

The Alliance also agrees that LPFM stations, like other radio broadcast stations, may want to use auxiliary broadcast frequencies, where available (i.e., studio-to-transmitter links and transmission of remote broadcasts). LPFM stations should be permitted to seek authority to use radio broadcast auxiliary frequencies.

We recommend that the usage of the LPFM spectrum not be limited to broadcast radio service only. We recommend that the community's use of LPFM spectrum include the potential for additional services such as Internet Service Provision, voice, or data as long as it is used solely for community noncommercial purposes.

Second and third adjacent restrictions should be eased for LP 1-10 microradio only, not for incumbent broadcasters. We commend the Commission for its recommendation in this regard.

#### H. OWNERSHIP REQUIREMENTS SHOULD BE STRICT IN ORDER TO SERVE A WIDER COMMUNITY AND PROMOTE DIVERSITY.

We urge the FCC to not allow a LPFM license holder to control and or own more than one station in any one market. Additionally, no existing broadcast radio license owners should be eligible.



Cross-ownership should be permitted only for community-based, content neutral providers such as PEG (public, educational and government) access providers. The ownership restrictions of the Telecommunications Act of 1996 should not be applied to LPFM service by such providers. We wish to see a service that ensures the Commission's stated goal of bringing more voices on the airwaves that are rarely heard due to the current economic barriers to radio broadcasting.

The Alliance recommends that licenses should be held locally, by organizations or individuals located within fifty miles of the broadcast area, with a preference for those inside the broadcasting contour. We propose that in the licensing process, local ownership be a priority and be given more points or a higher score than non-local ownership.

There should be no trafficking in construction permits or licenses. If a LPFM licensee fails to construct or operate their station in a reasonably timely fashion, the license should be terminated and new applications accepted. There is no public benefit in allowing the purchase or sale of LPFM licenses. LPFM licensees should be able to sell their equipment, but not their license to operate. A LPFM station should be allowed to operate the same length of time as long as full power stations.

We oppose the proposal to allow applications for LPFM licensees, contingent upon divestiture of AM stations. Since there are no ownership limits for AM stations, this approach would be an invitation for additional consolidation and monopolization. It would produce no gains for broadcast ownership diversity. If there are any preferences built into the license selection criteria, first time broadcast owners should receive preference over former owners of other broadcast interests.

**I. LICENSING POINTS SHOULD BE AWARDED TO APPLICANTS PROVIDING THE MOST LOCAL PROGRAMMING.**

The Alliance supports the suggestion that stations should be locally programmed, but that it not be mandatory. However, to ensure that the formats of both commercial and non-commercial stations reflect the activities, interests and diversity of the listening community or "market," priority points may be awarded in the licensing process to applicants providing the most local programming.

Public interest programming requirements should not be mandatory, but priority points may be awarded in the licensing process to applicants based upon the amount of public interest programming proposed.

**J. LPFM LICENSES SHOULD BE GRANTED INITIALLY TO ORGANIZATIONS WHICH PROVIDE A PUBLIC FORUM. THE FULL FM SPECTRUM SHOULD BE MADE AVAILABLE AND FEES FOR LICENSES SHOULD BE REASONABLE.**

The Alliance urges the Commission to issue the first low power FM licenses to organizations whose purpose is the creation of a public forum. Independent public access cable TV stations, community media centers, media arts centers, community technology centers, community youth centers, schools and public libraries should have the first application opportunities for this service. We propose that there be an initial filing window of 6 months during which these institutions can apply for any frequencies available, between 88 and 108 MHz. Importantly, though we support only non-commercial use of the new low power FM licenses, we advocate that the full FM spectrum be made available- not just the traditional 88-92 spectrum allocated to non-commercial radio. In return for this preference, these institutions

should agree to operate these stations in accordance with the general principles of public access which include free or low cost access to any resident in the public access area, content neutrality, the provision of training, and channel space for giving a platform to a diverse range of voices.

As an organization with almost 25 years of experience representing public, educational and governmental access, the Alliance for Community Media is uniquely suited to recommend these guidelines based on our successful access models. If LPFM licensing proceeds without such a preference for civic institutions, it is likely that the service that will emerge will merely serve a few profitable demographics, rather than the entire civic culture. The advantage of the access model for operation of a radio station in the circumstance of spectrum scarcity is clear. Instead of serving one interest, an access station serves all interests that feel the need to communicate, and presents the audience with hundreds of new programming options on a single channel.

Importantly, there are many interests in society that would find communication through a weekly radio show useful and important, but for whom the actual independent operation of an entire station would be unfeasible. These interests are well served by creating radio stations modeled on public access television.

The Alliance recommends that license preference be granted to public access entities only in cities where public access is operated by a nonprofit organization, school, library, government or governmental agency. If public access is not operated by a nonprofit organization, school, library, government or governmental agency, other community based not-for-profit organizations should be given priority for licenses.

The form for this preference for granting licenses to public access entities depends on the final selection methodology chosen by the Commission. We recommend a first filing window for

non-commercial applicants. In this filing window, applicants should be given the opportunity to certify their intent to comply with access guidelines. In the absence of competition, those who certify compliance with access guidelines will be the first licensed for operating radio stations. When all those organizations, which intend to comply, have received a license, other non-commercial entities should be able to apply.

The application process must be simple. The Alliance supports the Commission's proposal for an electronic filing system. If a filing window methodology is used, the first window, for all frequencies, should be opened for non-commercial organizations such as public access television stations operated by not-for profit organizations (not cable company operated public access centers), educational institutions and public libraries. These entities should receive preference to be operators of Low Power FM stations and operate analogously as structured community radio stations. This will encourage public access modeled LPFM stations in each community or "market."

We do not favor lotteries and comparative hearings. A point system, as recommended by many commenters in the current full power proceeding regarding the same issue, may be an option. Of the proposals put forward in the current NCE-FM comparative standards for competing applications proceeding, we prefer the Media Access Project's point system, though we would restructure the points to include favor for libraries, community media and technology centers and similar institutions.

It is important to note that factors for judging a good potential LPFM station are related to, but not identical to the factors for a good NCE-FM. The purpose of the services are in fact somewhat different. The first priority should be licensing community radio and public access style stations so that individuals and groups can obtain a weekly slot of airtime. If there is

additional spectrum available, stations should be licensed to high schools, clubs, particular ethnic groups and associations, non-profit organizations, tenants associations, and labor unions.

Licensing fees should be affordable to all communities. The Commission should maintain its policy in of free licensing for non-commercial channels. Unreasonable fees are an economic barrier and impede community based broadcasting.

### III. CONCLUSION

The Alliance for Community Media is uniquely suited to make these recommendations based on almost 25 years experience representing public, educational and governmental access television and media centers. Public, educational and governmental access professionals and volunteers have spent years working in their local communities in all phases of media education, media literacy, and production techniques. Nationwide, PEG facilities produce over 20,000 hours of locally originated community programming each week.

We are confident that if the Commission accepts our recommendations it will attain its goal of bringing more voices to the airwaves and achieving broadcast diversity.

Respectfully submitted,



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